

# DESOTO COUNTY BOARD OF SUPERVISORS

## BOARD MEETING MINUTES

**TOMMY LEWIS, PRESIDENT 2001, PRESIDING**

**April 4, 2001**

### **A. CALL TO ORDER**

The April 4, 2001, meeting of the DeSoto County Board of Supervisors was called to order by Supervisor Tommy Lewis, Board President 2001.

Chief Deputy Charlie Brown of the DeSoto County Sheriff's Department was present and did open the DeSoto County Board of Supervisors meeting in a regular session to hear any and all business to come before the Board. The following were present:

Supervisor Jessie Medlin-----District 1  
Supervisor Eugene C. Thach-----District 2  
Supervisor Gerald Clifton-----District 3  
Supervisor John Caldwell-----District 4  
Supervisor Tommy Lewis-----District 5  
W. E. ASluggo@ Davis-----Chancery Clerk  
Sheriff James Albert Riley-----Sheriff  
David Armstrong-----County Administrator  
William H. Austin, Jr.-----Board Attorney

### **B. INVOCATION**

Supervisor John Caldwell presented the invocation.

### **C. PLANNING COMMISSION**

The Planning Commission brought several items before the Board of Supervisors as evidenced by the portion of the minutes submitted by the Planning Commission. **\*\*See Exhibit C\*\***

### **D. OLD BUSINESS**

#### **1. Billboard Moratorium Expiration April 4, 2001**

Supervisor Tommy Lewis asked if there was anyone present who would like to speak in favor of the billboards. Mr. Richard Leatherman said he owns property along Starlanding Road and Hwy 61, which is zoned agricultural. Mr. Leatherman said he has applied for the last two years for a re-zoning application in order to install billboards on his property, and to be able to sell his property as commercial. Mr. Leatherman said there are property owners along Hwy 61, both north and south of his property, who were able to obtain the re-zoning and have placed billboards on the property and mentioned in particular the Koehler property. Mr. Leatherman said he feel this is a discriminatory situation and that all landowners should be able to make money from their property like others in the area.

## **ITEM D.1, CONTINUED,**

Supervisor Tommy Lewis asked for anyone else to come forward who favored the billboards. No one else came forward. Supervisor Lewis then asked for anyone who was opposed to billboards to come forward to speak.

Susan Whitten, Walls, MS resident, said DeSoto County citizens have pleaded with the Board to ban billboards on a moral, and ethical basis, and as what the citizens of DeSoto County want, but those arguments fell on deaf ears.. Ms. Whitten said she was present to plead on the legal aspect of billboard restrictions. Ms. Whitten quoted several agreements by the State of Mississippi and the Federal Government that say outdoor advertising is not a proper consideration for re-zoning property as industrial and commercial. Ms. Whitten said that improper re-zonings have occurred along Hwy 61 in DeSoto County for the sole purpose of putting up billboards.

Ms. Whitten said the property owners on Hwy 61 are paying agricultural taxes when they have M1 and M2 zoning. In May 1990 several sections were re-zoned. Ms. Whitten said several billboards were placed in agricultural zoning on Hwy 61. They were not re-zoned until 1995. Billboards were allowed to be constructed during the moratorium. Ms. Whitten said you can't have a few people deciding what the many want.

Ms. Whitten said DeSoto County residents petitioned the Board of Supervisors for proper changes to rules along with strict guidelines. Supervisor Jessie Medlin asked if the poll of County residents against the billboards included all 100,000 DeSoto County residents. Ms. Whitten stated she has a number of signatures that are elected voters on the petition. Ms. Whitten requested the Board of Supervisors to come up with a resolution concerning billboards since the only people who make money from the billboards are the landowner and the company who owns the billboards. Ms. Whitten stated she would investigate how permits were issued in error. Ms. Whitten said billboards are a blight and, although it is not personal, she said would do everything in her power to find out how billboards were allowed and permits issued during a moratorium. Ms. Whitten said she will ask the County to return the 10% federal highway funding to the state and the state to the federal government. She said she would work closely with state officials. Supervisor Jessie Medlin asked Ms. Whitten if she was aware of a newspaper ad naming two Supervisors that support billboards. Ms. Whitten said she had nothing to do with that ad.

Supervisor Gerald Clifton made the motion and Supervisor Jessie Medlin seconded the motion to extend the billboard moratorium until Wednesday, May 9<sup>th</sup>, 2001 at 5:00 P.M. The motion passed by a unanimous vote.

Supervisor Gerald Clifton made the motion and Supervisor Jessie Medlin seconded the motion to hire the Austin Law Firm to do research and investigate any allegations concerning the billboard re-zoning irregularities brought up. The motion passed by a unanimous vote.

## **2. Starlanding Road and Hwy 301 Interchange – MDOT Agreements**

Supervisor John Caldwell made the motion to approve the agreement with MDOT for the Starlanding Road and Hwy 301 Interchange for an estimated cost of \$1,271,583. The motion died for lack of a second.

Supervisor Eugene Thach said the County can't take money out of reserves to go on roads but the County can take money out of the road funds to help in areas that come up on road projects.

## **ITEM D.2, CONTINUED,**

Supervisor Jessie Medlin said he had called Jimmy Dickerson at MDOT and asked the status of the Hwy 305 project. Supervisor Medlin said he was told it would take eighteen months for right of ways to be obtained, but they will purchase most of the right of way in the next six months. Mr. Dickerson said MDOT could get an estimate within a couple of weeks of the estimated cost for Hwy 305 construction. Supervisor Medlin said Jimmy Dickerson told him that it would be year 2005 for the County to recoup any money. Supervisor Medlin said he would like to look at doing both projects if the County can afford to.

Supervisor Eugene Thach said only so much money is in the general fund and when it is gone the County will have to increase taxes. Supervisor Jessie Medlin said safety issues should concern the taxpayers and this could save money in the end overall as the state would likely have to pay more money for construction in four years. Supervisor John Caldwell said the County should look at each issue of each road on its own merits. Supervisor Caldwell said Starlanding Road and Hwy 301 Intersection merits consideration by the Board for traffic concerns and the County should do this project. Supervisor Caldwell said if the need to raise taxes is warranted the County should do it.

### **3. Hernando A-Fair - Electricity**

Director of Operations and Maintenance Jim Bearden said he had spoken with Paul Whitfield about the electric outlets being placed on the Courthouse poles. Jim Bearden said this could be done, but a disconnect should also be put on the pole so that the electricity could be cut off by proper personnel. Supervisor Jessie Medlin asked how many poles are they planning on putting the electricity to. Jim Bearden said he recommended putting it on all of the twelve poles and this would cost \$100.00 per pole and with the disconnect, it would run \$250.00 per pole. Supervisor Jessie Medlin said to do the poles in front of the Courthouse and maybe the A-Fair committee could pay some of the cost. Supervisor Medlin said Entergy might pay some of the cost if they have money budgeted for improvement in areas.

Jim Bearden said the power from the light poles is metered off of the Courthouse now. Jim Bearden said he would advise the Board of the actual cost when he has a firm amount and the Operations and Maintenance budget funds might be able to cover the expense for the electricity to the light poles in front of the Courthouse. Supervisor Jessie Medlin said to put electricity to poles needed for the A-Fair as soon as possible to keep from cutting short on time frame of May 19, 2001, the A-Fair date. Supervisor Tommy Lewis asked for Jim Bearden to advise the County Administrator of the actual cost so he could discuss the cost with the Board.

## **E. NEW BUSINESS**

### **1. District Attorney Approval for Assistance to Victims of Crimes**

County Administrator David Armstrong presented a Request for Payment of Medical Expense for Victims of Crimes to the Board of Supervisors for approval. Supervisor John Caldwell made a motion and Supervisor Jessie Medlin seconded the motion to pay directly to the Baptist Hospital- DeSoto the amount of \$490.18 and South E/R Associates the amount of \$154.00 for a victim=s expense for medical treatment. The motion passed by a unanimous vote. **\*\*See Exhibit E.1\*\***

### **2. Authorization to Open Bids for Hot Asphalt Overlay on May 1, 2001 at 10 AM (CO-17(2))**

Supervisor John Caldwell made the motion and Supervisor Jessie Medlin seconded

the  
**ITEM E.2, CONTINUED,**

motion for the Board of Supervisors to approve the County Administrator or his designee to open bids for the hot asphalt overlay on May 1, 2001 at 10 A.M. (CO-17(2)). The motion passed by a unanimous vote. **\*\*See Exhibit E.2\*\***

**3. Budget Amendment – Circuit Court**

County Administrator David Armstrong said the request from Dale Thompson for a budget amendment in the amount of \$26,448.00, which is necessary due to the increased number of court cases and their expense. David Armstrong said the amount will be taken out of the Circuit Clerk fees at a later date, but she does not have funds in this year’s budget to cover the expense at this time. David Armstrong said the expenses for year 2000 was \$19,952 and the budget for 2001 was set at \$15,000. The Board has already done an amendment to add \$20,000 to this line. David Armstrong said if any funds were left over at the end of the year they would be turned back to the County.

Supervisor Eugene Thach said he thought the Circuit Clerk was a self sustained office. Supervisor John Caldwell said the cost to operate is based on the fees set by the state. Supervisor Jessie Medlin asked what were the fees for last year? Chancery Clerk W. E. Davis said this report is due to the Board of Supervisors and to the state by April 15, 2001. Supervisor Eugene Thach said the need to increase fees for the Circuit Clerks office should be put on the Legislative Wish List for next year.

In accordance with the provisions set forth in Section 19-11-11 of the Mississippi Code, the Board of Supervisors did discuss an amendment to the budget for the Fiscal year beginning October 1, 2000, and ending September 30, 2001. At the recommendation of the Comptroller, Joyce Riales, Supervisor John Caldwell made the motion and Supervisor Tommy Lewis seconded the motion to approve the budget amendment for the Circuit Clerk office as follows:

<u>Account #</u>	<u>Description</u>	<u>Budget Amount</u>	<u>Increase Amount</u>	<u>Decrease</u>	<u>Total Amount</u>
<u>Amount</u>					
001-161-415	Other Court Cost	15,000	25,000		40,000
001-161-465	State Retirement Match	7,805	536		8,341
001-161-466	Social Security Match	6,124	421		6,545
001-161-469	Unemp. Comp.	0	356		356
001-161-476	Meals & Lodging	200	135		335
001-901-999	Ending Cash Balance	8,315,880		26,448	8,289,432
Totals		8345,009	26,448	26,448	8,345,009

The motion passed by a unanimous vote. **\*\*See Exhibit E.3\*\***

**4. Budget Amendment – Sheriff’s Neighborhood Watch Program**

In accordance with the provisions set forth in Section 19-11-11 of the Mississippi Code the Board of Supervisors did discuss an amendment to the budget for the Fiscal year beginning October 1, 2000, and ending September 30, 2001. At the recommendation of the Comptroller, Joyce Riales, Supervisor John Caldwell made the motion and Supervisor Gerald Clifton seconded the motion to approve the budget amendment for the Sheriff’s Department for the Neighborhood Watch Program as follows:

<u>Account #</u>	<u>Description</u>	<u>Budget Amount</u>	<u>Increase Amount</u>	<u>Decrease</u>	<u>Total Amount</u>
<u>Amount</u>					
001-200-639	Signs	500	1,500		2,000
001-901-999	Ending Cash Balance	8,214,432		1,500	8,212,932

Totals	8,214,932	1,500	1,500	8,214,932
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**ITEM E.4, CONTINUED,**

The motion passed by a unanimous vote. **\*\*See Exhibit E.4\*\***

**F. EXECUTIVE SESSION**

The executive session portions of these minutes are recorded under the portion of the minutes called "Executive Session".

Supervisor Eugene Thach made the motion and Supervisor Gerald Clifton seconded the motion to recess until Monday, April 16, 2001 at 9:00 a.m. The motion passed by a unanimous vote.

THIS the 4th. Day of April 2001, these minutes have been read and approved by the DeSoto County Board of Supervisors.

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Tommy Lewis, President  
DeSoto County Board of Supervisors